IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1972 OF 2005.

Shri Fateh Patni ...Petitioner.

V/s.

M/s. Nisha Jhamwal Designs ...Respondents.

Mr.V.I.Pujwani with Mr.Milan Desai for the Petitioner.
Mr.Rajesh More, the APP,for the State.

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : 18th August, 2005.
P.C.:

1. Heard the learned advocate for the Applicant and the learned A.P.P. for the State.

2. The Applicant has prayed for quashing of process issued against him in Criminal Case No.2902/SS/05 which is pending before the Learned Special Metropolitan Magistrate at Small Causes Court, Bombay. In the said case, process has been issued against the applicant under section 138 of the Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the applicant has an efficacious remedy of preferring revision against the

order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the Trial Court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Application is disposed of.

(V.K.TAHILRAMANI,J.)